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File No. O. Limitation/57

Legal Deptt.

A **BRANCH**

Subject:—

Opinions under the

Indian Limitation Act, 1908

L-2/57

File No. O. Limitation/57

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OFFICE OF THE R.L.A.

Adverse possession by Maran Paradhis Pandharpur Municipality.

Indian Limitation Act, 142 & 146-A.

Article 146A of the Limitation Act which prescribes a period of thirty years for a suit by or on behalf of a local authority is applicable to certain classes of suits mentioned therein and does not apply to suits for other immoveable property and the local authority would be subject to the ordinary period of twelve years under Article 142 (The Chairman, Municipal Council Shrirangam v. Subba Pandikar I.L.R. 38 Mad 456). In the present case Maran Pardhis are admittedly in occupation of the site admeasuring 3900 square yards out of city survey No. 4075/1 of Pandharpur since 1905. They have built huts thereon some of which are of a permanent nature. Consequently Article 142 which prescribes a period of twelve years applies and Maran Pardhis have acquired a title to the site by adverse possession. If the Pandharpur Municipality wants the site, it will have to acquire it under the Land Acquisition Act. The view taken by under Secretary, L.S.G. & P.H.D. is correct.

Id/- J.M.D.
dt/- 15/11/

Remembrancer of Legal Affairs.

V.v.k. 27/6/56/ 5C.

U.R. to L.S.G. & P.H.D. No. 18169,